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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/724,315
Filing Date: November 26, 2003
Appellant(s): KASOWER, SHELDON

James A. Larson (Reg. No. 40,443)

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3 August 2010 appealing from the Office action mailed 3 February 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

1 - The present application contains claims 1-40. Claims 2, 5-7, 9-21, 30, 34, and 36 have been cancelled. Claims 1, 3-4, 8, 22-29, 31-33, 35, and 37-40 are on appeal.

2 - As noted per the Telephonic Interview held 26 April 2010, the rejections under 35 U.S.C. 101 and 35 U.S.C. 112 has been removed by the Examiner and is not a subject of this appeal.

(4) Status of Amendments After Final

The examiner has no comment on the Appellants statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the Appellants statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the Appellants brief.

(8) Evidence Relied Upon

7,366,694	Lazerson	04-2008
2008/0133278	Stanfield	06-2008

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 3-4, 8, 22-29, 31-33, 35, and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazerson (US Pat. No. 7,366,694), [hereinafter Lazerson] in view of Stanfield (US PG. Pub. No. 2008/0133278), [hereinafter Stanfield].

Point Of Importance: The Examiner has not included the newly amended claim limitations as these limitations are under review pending the outcome of the current 35 U.S.C. 112 Rejections.

Referring to Claim 1: Lazerson teaches a method of preserving an individual's access to credit by means of a service organization comprising: obtaining authorization from the individual to contact and obtain dynamic credit information from a credit reporting bureau (Lazerson: Abstract; Figures 1-3); using one or more computer processing units, on a periodic basis accessing dynamic credit information of the individual from the credit reporting bureau report and deriving debt data from the credit information comprising (Lazerson: Abstract; Figures 1-3; Column 2, Line 35-Column 4, Line 65): contacting the credit reporting bureau and obtaining dynamic credit information, and deriving debt data for a credit card debt category and for each of a plurality of other debt categories from the dynamic credit information; using one or more computer processing units, on a periodic basis determining the amount necessary to provide debt payment coverage based on the debt data derived from the credit information (Lazerson: Abstract; See Figures; See Claims), comprising: presenting information to the individual which classifies the debt data for the credit card debt category and for each of the plurality of debt categories.

Lazerson, however, does not expressly discuss the debt data to be used in determining an amount necessary to provide coverage for aggregated insurance benefits; and allowing the individual to select among the credit card debt category and the other debt categories for which the individual will obtain the aggregated insurance benefits; using one or more computer processing units, selecting a specific insurance company to provide coverage for the aggregated insurance benefits based on the amount necessary to provide debt payment coverage at specific aggregated insurance premiums.

Stanfield, in a similar environment, shows the debt data to be used in determining an amount necessary to provide coverage for aggregated insurance benefits; and allowing the individual to select among the credit card debt category and the other debt categories for which the individual will obtain the aggregated insurance benefits; using one or more computer processing units, selecting a specific insurance company to provide coverage for the aggregated insurance benefits based on the amount necessary to provide debt payment coverage at specific aggregated insurance premiums (Stanfield: Abstract; See Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0024).

At the time of invention it would have been obvious to one of ordinary skill in the art to modify the method and system of Stanfield for a method and system for providing multi-credit card insurance with the features of Lazerson for credit/financing processes for the purpose of assisting borrowers avoid predatory lending and unjustified credit/financing rates, etc. (Lazerson: Column 1, Lines 19-63).

Referring to Claim 3: Lazerson shows a method further comprising on a periodic basis adjusting the value of the determined amount necessary to provide coverage for the aggregated insurance benefits in accordance with the changes in the data derived from the credit information (Lazerson: Column 2, Line 35-Column 4, Line 65; Column 5, Line 15-Column 7, Line 63).

Referring to Claim 4: Stanfield teaches a method further comprising on a periodic basis, updating the database to include any new insurance companies and to update the premiums that the one or more insurance companies charge for providing their aggregated insurance benefits (Stanfield: Abstract; See Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0029; See Claims).

Referring to Claim 8: Stanfield discusses a method further comprising on a periodic basis, determining any change in the amount necessary to provide debt payment coverage and adjusting the value of the premiums owed by the individual in accordance with the changes in the data derived from the credit information (Stanfield: Abstract; See Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0024).

Referring to Claim 22: Stanfield shows a method further comprising registering the individual with the service organization (Stanfield: Abstract; See Figures; See Claims).

Referring to Claim 23: Stanfield discloses a method further comprising entering a database including one or more insurance companies that provide the insurance coverage benefits, the database further including the specific premiums that the one or

more insurance companies charge for issuing their aggregated insurance benefits (Stanfield: Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0029; Page 3, Paragraph 0037-Page 4, Paragraph 0042).

Referring to Claim 24: Stanfield teaches a method further comprising on a periodic basis informing the individual of the specific premiums (Stanfield: Abstract; See Figures; See Claims).

Referring to Claim 25: Stanfield shows a method further comprising requesting that the insurance company provide coverage for the existing aggregated insurance benefits to the individual (Stanfield: Abstract; See Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0029; Page 3, Paragraph 0037-Page 4, Paragraph 0042; See Claims).

Referring to Claims 26-29 and 31-33: Claims 26-29 and 31-33 are directed towards a computer program product for carrying out/implementing the method steps of Claims 1, 3-4, 8, and 22-25. As such, Claims 26-29 and 31-33 are rejected under the same basis as are Claims 1, 3-4, 8, and 22-25 as mentioned supra.

Referring to Claim 35: Claim 35 parallels a system for the method of Claims 1, 3-4, 8, and 22-25. As such, Claim 35 is rejected under the same basis as are Claims 1, 3-4, 8, and 22-25 as mentioned supra.

Referring to Claim 37: Lazerson discloses a method wherein the plurality of other debt categories include a mortgage loan debt category and/or an auto loan debt category (Lazerson: Abstract; Claims 1-5).

Referring to Claim 38: Lazerson shows a computer program product wherein the plurality of other debt categories include a mortgage loan debt category and/or an auto loan debt category (Lazerson: Abstract; Claims 1-5).

Referring to Claim 39: Claim 39 reflects a system for the method of Claim 37. As such, Claim 39 is rejected under the same basis as is Claim 37 as mentioned supra.

Referring to Claim 40: The Examiner notes that it is old and notoriously well known that method wherein the specific insurance company selected to provide coverage for the aggregated insurance benefits is selected based on the state where the individual lives is a common practice amongst both individuals and insurance agents/companies/organizations.

(10) Response to Argument

The Appellant argues:

- A. **Claims 1, 23, 26, 35, 37, and 40 are not unpatentable under 35 U.S.C. § 103 (a) in view of Lazerson (U.S. Patent No. 7,366,694) in view of Stanfield (U.S. Patent Publication No. 2008/0133278).**

Claims 1, 3, 4, 8, 22-29, 31-33, 35 and 37-40 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lazerson and Stanfield. Appellants respectfully request reversal of the rejection for at least the following reasons. For purposes of this appeal only, independent claims 1, 26 and 35 and dependent claims 23, 37 and 40 are separately argued below and dependent claims 3, 4, 8, 22, 24, 25, 27-29, 31-33, 38 and 39 are considered to stand or fall together with claims 1, 26 and 35 respectively.

1. The combination of Lazerson and Stanfield does not teach or suggest deriving debt data for a credit card debt category and for another debt category from the dynamic credit information, as recited in claims 1 and 26.

Claim 1 is directed to a method of preserving an individual's access to credit by means of a service organization that recites, *inter alia*, deriving debt data for a credit card debt category and for another debt category from the dynamic credit information. Claim 26 is directed to a computer program product for preserving an individual's access to credit via a service organization by means of a computer-readable medium having machine-coded instructions thereon that recites, *inter alia*, deriving debt data for a credit card debt category and for an other debt category from the dynamic credit information. The combination of Lazerson and Stanfield does not teach or suggest these features of claims 1 and 26. The Examiner asserts that the Abstract, Figures and claims of Lazerson teach the above features of claims 1 and 26 (see page 6 of the February 3, 2010 final Office Action). However, Lazerson is merely directed to a credit-financing process that allows a borrower to anonymously obtain and/or evaluate desired financial services from different lenders (see the Abstract and column 2, line 35-column 4, line 65 of Lazerson). Nowhere does Lazerson provide any interest in deriving debt data for a credit card debt category and for another debt category from the dynamic credit information. Stanfield does not overcome these deficiencies of Lazerson. The Examiner asserts on page 7 of the February 3, 2010 final Office Action that the Abstract, Figures, and paragraphs [0002-0012 and 0017-0024] of Stanfield teach deriving debt data for a credit card debt category and for an other debt category from the dynamic credit information. However, this is not the case. Rather, Stanfield is only interested in obtaining data regarding balances for a plurality of different credit cards (see, for example, the Abstract, Figs. 1 and 4, and paragraphs [0001-0012 and 0017-0024] of Stanfield). Nowhere does Stanfield contemplate deriving debt data for a credit card debt category (e.g. one or more credit cards) and for each of an other debt category (e.g. auto loans, mortgage loans, etc.), as recited in claims 1 and 26. The Examiner then asserts in the May 7, 2010 Advisory Action that revolving loans, credit card debt, short-term loans, long-term loans, etc. are within the same field of endeavor

as Stanfield. The Examiner further asserts that Stanfield teaches deriving debt data for a credit card debt category and for an other debt category because Stanfield shows the usage of one or more credit card accounts (see page 2 of the May 7, 2010 Advisory Action). However, the Examiner's assertions are merely conclusory statements obtained via hindsight analysis. Stanfield is specifically focused on providing multi-credit card insurance risk measurement and does not discuss, suggest or even contemplate expanding its invention to cover multiple credit cards as a credit card debt category along with an other debt category (such as an auto loan category, a mortgage loan category, etc.). While the Examiner is able to conceive expanding the reach of Stanfield after reviewing the claims of the present application, it would not be obvious to one skilled in the art at the time of invention to expand the teachings of Stanfield, as suggested by the Examiner, to obtain these features of claims 1 and 26. Accordingly, the combination of Lazerson and Stanfield does not teach or suggest deriving debt data for a credit card debt category and for another debt category from the dynamic credit information, as recited in claims 1 and 26.

2. The combination of Lazerson and Stanfield also does not teach or suggest presenting information to the individual which classifies the debt data for the credit card debt category and for each of the plurality of debt categories, as recited in claims 1 and 26.

Claims 1 and 26 also recite presenting information to the individual which classifies the debt data for the credit card debt category and for the other debt category. The combination of Lazerson and Stanfield does not teach or suggest these features of claims 1 and 26. The Examiner asserts that the Abstract, Figures and claims of Lazerson teach the above features of claims 1 and 26 (see page 6 of the February 3, 2010 final Office Action). However, Lazerson is merely directed to a credit/financing process that allows a borrower to anonymously obtain and/or evaluate desired financial services from different lenders (see the Abstract and column 2, line 35-column 4, line 65 of Lazerson). Nowhere does Lazerson provide any interest in presenting information to the individual which classifies the debt data for the credit card debt category and for the other debt category. Stanfield does not overcome these deficiencies of Lazerson. As

discussed above, Stanfield is only interested in obtaining data regarding balances for a plurality of different credit cards (see, for example, the Abstract, Figs. 1 and 4, and paragraphs [0001-0012 and 0017-0024] of Stanfield). Nowhere does Stanfield contemplate presenting information to the individual which classifies the debt data for the credit card debt category (e.g. one or more credit cards) and for the other debt category (e. g. auto loans, mortgage loans, etc.), as recited in claims 1 and 26. The Examiner further asserts that Stanfield teaches presenting information to the individual which classifies the debt data for the credit card debt category and for the other debt category because Stanfield shows the usage of one or more credit card accounts (see page 2 of the May 7, 2010 Advisory Action). Accordingly, the combination of Lazerson and Stanfield does not teach or suggest presenting information to the individual which classifies the debt data for the credit card debt category and for the other debt category, as recited in claims 1 and 26.

**1. The Examiner does not find this argument to be persuasive and
discusses the argument in detail below:**

The Examiner wishes to clarify and better point out where within the Lazerson and Stanfield prior art references where such material as claimed in the instant application can be found to teach such limitations as rejected in the Final Office Action (mail date: 3 February 2010) on appeal. Please see the chart below.

CLAIM & LIMITATION	REFERENCE # 1	REFERENCE # 2
	Lazerson (7,366,694)	Stanfield (2008/0133278)
	teaches this limitation at:	teaches this limitation at:
1		

<p>a method of preserving an individual's access to credit by means of a service organization comprising: obtaining authorization from the individual to contact and obtain dynamic credit information from a credit reporting bureau; using one or more computer processing units, on a periodic basis accessing dynamic credit information of the individual from the credit reporting bureau report and deriving debt data from the credit information comprising: the one or more computer processing units contacting the credit reporting bureau and obtaining dynamic credit information, and one or more computer processing units deriving debt data for a credit card debt category and for an other debt category from the dynamic credit information; using one or more computer processing units, on a periodic basis determining the amount necessary to provide debt payment coverage based on the debt data derived from the credit information, comprising: the one or more computer processing units presenting information to the individual which classifies the debt data for the credit card debt category and for the other debt category.</p>	<p>(Lazerson: Abstract; Figures 1-3; Column 2, Line 35- Column 4, Line 65; Claims)</p> <p>NOT RELIED UPON TO TEACH THIS LIMITATION</p>
<p>the debt data to be used in determining an amount necessary to provide coverage for aggregated insurance benefits; and allowing the individual to select among the credit card debt category and the other debt categories for which the individual will obtain the aggregated insurance benefits; using one or more computer processing units, selecting a specific insurance company to provide coverage for the aggregated insurance benefits based on the amount</p>	<p>NOT RELIED UPON TO TEACH THIS LIMITATION</p> <p>(Stanfield: Abstract; Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0024)</p>

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<p>necessary to provide debt payment coverage at specific aggregated insurance premiums.</p> <p>3</p>	
<p>a method further comprising on a periodic basis adjusting the value of the determined amount necessary to provide coverage for the aggregated insurance benefits in accordance with the changes in the data derived from the credit information.</p> <p>4</p>	<p>(Lazerson: Column 2, Line 35-Column 4, Line 65; Column 5, Line 15-Column 7, Line 63)</p> <p>NOT RELIED UPON TO TEACH THIS LIMITATION</p>
<p>a method further comprising on a periodic basis, updating the database to include any new insurance companies and to update the premiums that the one or more insurance companies charge for providing their aggregated insurance benefits.</p> <p>8</p>	<p>NOT RELIED UPON TO TEACH THIS LIMITATION</p> <p>(Stanfield: Abstract; Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0029; Claims)</p>
<p>a method further comprising on a periodic basis, determining any change in the amount necessary to provide debt payment coverage and adjusting the value of the premiums owed by the individual in accordance with the changes in the data derived from the credit information.</p> <p>22</p>	<p>NOT RELIED UPON TO TEACH THIS LIMITATION</p> <p>(Stanfield: Abstract; Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0024)</p>
<p>a method further comprising registering the individual with the service organization.</p> <p>23</p>	<p>NOT RELIED UPON TO TEACH THIS LIMITATION</p> <p>(Stanfield: Abstract; Figures; Claims)</p>
<p>a method further comprising entering a database including one or more insurance companies that provide the insurance coverage benefits, the database further including the specific premiums that the one or more insurance companies charge for issuing their aggregated insurance</p>	<p>NOT RELIED UPON TO TEACH THIS LIMITATION</p> <p>(Stanfield: Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0029; Page 3, Paragraph 0037-Page 4, Paragraph 0042)</p>

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	benefits.	
24		
a method further comprising on a periodic basis informing the individual of the specific premiums.	NOT RELIED UPON TO TEACH THIS LIMITATION	(Stanfield: Abstract; Figures; Claims)
25		
a method further comprising requesting that the insurance company provide coverage for the existing aggregated insurance benefits to the individual.	NOT RELIED UPON TO TEACH THIS LIMITATION	(Stanfield: Abstract; Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0029; Page 3, Paragraph 0037-Page 4, Paragraph 0042; Claims)
37		
a method wherein the plurality of other debt categories include a mortgage loan debt category and/or an auto loan debt category.	(Lazerson: Abstract; Claims 1- 5)	NOT RELIED UPON TO TEACH THIS LIMITATION
38		
a computer program product wherein the plurality of other debt categories include a mortgage loan debt category and/or an auto loan debt category.	(Lazerson: Abstract; Claims 1- 5)	NOT RELIED UPON TO TEACH THIS LIMITATION

The Lazerson prior art reference has been relied upon to disclose a method for a borrower to obtain and/or evaluate desired financial services. Personal information from the borrower is obtained and recorded. The personal information includes reasons that the borrower wants to obtain the financing. Financing evaluation information based on pre-established and objective criteria used by at least one established financial institution that provides financing of the type sought by the borrower is obtained and recorded. A credit grading for the borrower is determined based on the personal information, and the financing evaluation information. The credit grading is determined

by an independent entity that will not provide the financing to the borrower. The financing may be a loan, such as a mortgage loan or an auto loan or the financing may be the issuance of a credit card or a line of credit. The independent entity also compiles a comparison of closing costs associated with the financial transactions, and can optionally provide an estimate of those costs for one, and preferably for a variety of providers of the desired financing. The Stanfield prior art reference shows a method and system for multi-credit card insurance risk measurement. The amount of risk an underwriter undertakes in issuing a credit card insurance policy covering credit cards issued by different issuers can be determined. Additionally, various parameters of an insurance policy, such as an insurance premium and the insurance policy limits, among others can be determined.

Thus, Stanfield does teach or suggest, obtaining authorization from the individual to contact and obtain dynamic credit information from a credit reporting bureau (See Stanfield at least at Figures 1[10], 2; Paragraphs 0026-0027, 0033-0035; Claim 10). Stanfield suggests obtaining authorization from an individual to contact and obtain dynamic credit information from a credit reporting bureau. Stanfield has been relied upon to show a method and system for multi-credit card insurance risk measurement. The amount of risk an underwriter undertakes in issuing a credit card insurance policy covering credit cards issued by different issuers can be determined utilizing the reference. Additionally, the Stanfield reference can be used to determine various parameters of the insurance policy, such as an insurance premium and the insurance policy limits, among others. Lazerson, in a similar environment has been included to

show a method for a borrower to obtain and/or evaluate desired financial services where personal information from a borrower is obtained and recorded. The personal information includes reasons that the borrower wants to obtain the financing. Finance evaluation information based on pre-established and objective criteria used by at least one established financial institution that provides financing of the type sought by the borrower is obtained and recorded. A user is provided with a credit grading based on the personal information and the financing evaluation information. Next a credit grading is determined by an independent entity that will not provide the financing to the borrower. The financing may be in the form of a loan, such as a mortgage loan or an auto loan or the financing may be the issuance of a credit card or a line of credit. The independent entity also compiles a comparison of closing costs associated with the financial transactions, and can optionally provide an estimate of those costs for one, and preferably for a variety of providers of the desired financing. While Lazerson may only teach receiving credit and financial information from the borrower (per Applicant), one of ordinary skill in the art would understand that such credit and financial data is received by a credit reporting bureau (See Lazerson at least at Column 2, Lines 50-61). Previously mentioned per Applicant, if Lazerson merely teaches requiring authorization from an individual to share credit information to financial institutions and not to contact and obtain credit information from a credit reporting bureau, one of ordinary skill in the art, would understand that such a step of contacting and obtaining credit information from a credit reporting bureau would be paramount to this step as recited in Claim 1 of the instant application. Lazerson indeed teaches and suggests, on a periodic basis

accessing credit information of an individual from a credit reporting bureau and deriving debt data from the credit information as required by claim 1. See at least (Lazerson: Abstract; Column 7, Lines 38-64). Lazerson also shows, on a periodic basis, determining an amount necessary to provide debt payment coverage (See at least Lazerson: Abstract; Column 2, Lines 33-47; Column 4, Lines 6-65; Column 7, Lines 38-64) based on the data derived from the credit information (See at least Lazerson: Claims 9, 19). Furthermore, Stanfield does disclose processes for selecting an insurance company to provide coverage for aggregated insurance benefits. The Final Rejection relies on Column 7, Lines 38-63 of Lazerson for teaching accessing credit information of an individual from a credit reporting bureau and deriving debt data from the credit information.

The Appellant further argues:

3. The combination of Lazerson and Stanfield does not teach or suggest allowing the individual to select among the credit card debt category and the other debt category for which the individual will obtain the aggregated insurance benefits, as recited in claims 1 and 26.

Claims 1 and 26 also recite allowing the individual to select among the credit card debt category and the other debt category for which the individual will obtain the aggregated insurance benefits. The combination of Lazerson and Stanfield does not teach or suggest these features of claims 1 and 26. The Examiner asserts that the Abstract, Figures and claims of Lazerson teach the above features of claims 1 and 26 (see page 6 of the February 3, 2010 final Office Action). However, Lazerson is merely directed to a credit/financing process that allows a borrower to anonymously obtain and/or evaluate desired financial services from different lenders (see the Abstract and

column 2, line 35-column 4, line 65 of Lazerson). Nowhere does Lazerson provide any interest in allowing an individual to select among the credit card debt category and the other debt category for which the individual will obtain the aggregated insurance benefits. Stanfield does not overcome these deficiencies of Lazerson. As discussed above, Stanfield is only interested in obtaining data regarding balances for a plurality of different credit cards (see, for example, the Abstract, Figs. 1 and 4, and paragraphs [0001-0012 and 0017-0024] of Stanfield). Nowhere does Stanfield contemplate allowing the individual to select among the credit card debt category (e.g. one or more credit cards) and the other debt category (e.g. auto loans, mortgage loans, etc.) for which the individual will obtain the aggregated insurance benefits, as recited in claims 1 and 26.

2. The Examiner does not find this argument persuasive, and discusses the argument in detail below:

As a preliminary matter Appellant is reminded that patents are written by and for skilled artisans. See e.g. *Vivid Technologies, Inc. v. American Science and Engineering, Inc.*, 200 F.3d 795, 804, 53 USPQ2d 1289, 1295 (Fed. Cir. 1999) ("patents are written by and for skilled artisans"). Thus, the Examiner therefore starts with the presumption that Appellant is a skilled artisan who possess at least ordinary skill in the art. Consequently, it is the Examiner's position that because the patent references of record are directed to those with ordinary skill in this art; these references are clear, explicit, and specific as to what they teach. As previously argued by the Examiner, Stanfield does teach or suggest, obtaining authorization from the individual to contact and obtain dynamic credit information from a credit reporting bureau (See Stanfield at least at Figures 1[10], 2; Paragraphs 0026-0027, 0033-0035; Claim 10). Stanfield suggests obtaining authorization from an individual to contact and obtain dynamic credit

information from a credit reporting bureau. Stanfield has been relied upon to show a method and system for multi-credit card insurance risk measurement. The amount of risk an underwriter undertakes in issuing a credit card insurance policy covering credit cards issued by different issuers can be determined utilizing the reference. Additionally, the Stanfield reference can be used to determine various parameters of the insurance policy, such as an insurance premium and the insurance policy limits, among others. Lazerson, in a similar environment has been included to show a method for a borrower to obtain and/or evaluate desired financial services where personal information from a borrower is obtained and recorded. The personal information includes reasons that the borrower wants to obtain the financing. Finance evaluation information based on pre-established and objective criteria used by at least one established financial institution that provides financing of the type sought by the borrower is obtained and recorded. A user is provided with a credit grading based on the personal information and the financing evaluation information. Next a credit grading is determined by an independent entity that will not provide the financing to the borrower. The financing may be in the form of a loan, such as a mortgage loan or an auto loan or the financing may be the issuance of a credit card or a line of credit. The independent entity also compiles a comparison of closing costs associated with the financial transactions, and can optionally provide an estimate of those costs for one, and preferably for a variety of providers of the desired financing. While Lazerson may only teach receiving credit and financial information from the borrower (per Applicant), one of ordinary skill in the art would understand that such credit and financial data is received by a credit reporting

bureau (See Lazerson at least at Column 2, Lines 50-61). Regarding the "wherein the debt categories are ... from two or more ... debt categories: ..." of Claim 1, the Examiner notes that the debt categories which have been selected via the Applicant all refer to the same type of debt. Revolving loans, credit card debt, short-term loans, long-term loans, etc. are within the same field of endeavor and as the Stanfield prior art reference shows the usage of one or more credit card accounts, this elements reads on the limitations of the instant claim language. Regarding the motivation to combine the Lazerson and Stanfield prior art references, the Examiner notes that KSR forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. [Please see KSR, 127 S. Ct. at 1741, 82 USPQ2d at 1396 for further guidance]. Please see also:

In re Dembiczak, 50 USPQ2d 1614 (Motivation to Combine): We have noted that evidence of a suggestion, teaching, or motivation to combine may flow from the prior art references themselves, **the knowledge of one of ordinary skill in the art**, or, in some cases, from the nature of the problem to be solved.

In re Keller, 208 USPQ 871 (CCPA 1981) (Motivation Not Found in References): [The] Test of obviousness is not whether features of secondary reference may be bodily incorporated into primary reference's structure, nor whether claimed invention is expressly suggested in any one or all of references; rather, test is what combined teachings of references would have suggested to those of ordinary skill in art.

(11) Related Proceeding(s) Appendix

1. The Examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/BENJAMIN S. FIELDS/
Patent Examiner, Art Unit 3684

Conferees:

Kambiz Abdi /KA/
Supervisory Patent Examiner, Art Unit 3684

Vincent Millin/vm/
Appeals Practice Specialist